

DOCUMENT RESUME

ED 368 643

SO 023 822

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TITLE A Dispute Mediation Program: Report on the Cobble Middle School Student-Conducted Program in Tallahassee, Florida, 1993.
PUB DATE 93
NOTE 20p.
PUB TYPE Reports - Descriptive (141) -- Guides - Non-Classroom Use (055)

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS Arbitration; *Conflict Resolution; Counseling Objectives; *Counseling Services; Counseling Techniques; Counselor Training; Intermediate Grades; Junior High Schools; Middle Schools; *Peer Counseling; Peer Influence; Peer Relationship; *Prevention
IDENTIFIERS Leon County School District FL

ABSTRACT

This conflict mediation program resolves disputes non-violently using teams of two student mediators and a set of formal procedures. These methods improve communication, define issues, and develop alternative paths to resolution. The goals of the program are the prevention of violence, the improvement of human relations, and the building of more peaceful, cooperative communities. The selection of student mediators consists of applications and interviews with a criteria to insure a balance across grades and school demographics. The process for training the student mediators begins with an initial orientation followed by 12 hours of specific training focusing on getting disputants to talk peacefully. The student mediators master and use a six step conflict resolution process: (1) initiation; (2) telling tales; (3) identifying the problem; (4) imagining alternative solutions; (5) narrowing the possible solutions list; and (6) reaching a settlement. The program consists of weekly meetings and a time period for assigned cases 4 days a week. Four issues concerning student mediation arose from the program. Teacher and administrator testimony supports the positive impact of the program upon student mediators and the school community. (CK)

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A DISPUTE MEDIATION PROGRAM:

Report on the Cobble Middle School
Student-Conducted Program in
Tallahassee, Florida, 1993

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DISPUTE MEDIATION PROGRAM

The shouting was over but the combatants' eyes flashed. Their body language still screamed taunts! These threats, now unspoken, reverberated across the widening gap between the withdrawing adversaries. What began as a jest, albeit misunderstood, almost became a violent battle. If factional allies had joined in, the battle of two would have become a melee with combatants counted by tens!

Such incidents are not infrequent. Paralleling violence on the streets, violence in schools is on the increase nationally.

Several years ago, the Centers for Disease Control surveyed a large sample of high school students. They found that one in five had carried a weapon to school at least once in the last 30 days. One half of the boys and 30 percent of the girls reported being in at least one fight during the previous school year; one-third reported threats; 13 percent were physically attacked at school or on a school bus; and 16 percent were attacked outside of school. Since World War II, juvenile crime has become more frequent and more violent. Today, the most severe juvenile criminals are more likely to commit a homicide, aggravated assault, or a rape (Pitts, 1991).

In Leon County, Florida, during the 1991-92 academic year, serious crime, violence, and disruptive behavior were on the increase. More students do not care to act in ways appropriate

to the context of schooling and learning. A total of 349 of the 13,000 students in grades 6 to 12 were sent to the school office for mega-multiple discipline referrals. Over 1,300 cases of student battery were documented in the secondary schools.

Beneath these depressing statistics are the many unreported incidents of intimidation and conflict which frighten students and distract them from the purpose of schooling. Left unchecked, these incidents contribute to a school climate where students fail to learn pro-social ways to deal with disputes. Trust is destroyed.

Fortunately, students at Cobb Middle School in Tallahassee, Florida, have a conflict mediation program. Since the summer of 1991, students who have a dispute are offered a method of resolving that dispute non-violently using teams of two student mediators and a set of formal procedures to cool tempers, improve communication, define issues, and develop alternative paths to resolution. Across the nation, such programs use a variety of names -- dispute settlement, peer mediation, conflict resolution, conflict management, and peace intervention. But, whatever the name, the goals are similar to the Cobb program -- preventing violence, improving human relations, and building more peaceful, cooperative communities.

At Cobb Middle School, teachers, administrators, or students who see students with disputes may recommend that the disputants

be offered an opportunity to participate in mediation. Students who have a dispute may themselves opt for mediation. No one, however, is compelled to accept dispute mediation. Disputants are invited to a mediation meeting. At that meeting each disputant makes a commitment to accept mediation or to reject the opportunity. If the disputants accept, then trained student mediators are assigned to help them using a problem-solving process to clarify the nature of the dispute, to air grievances, to lay out options, and to reach an acceptable solution satisfactory to both disputants.

Student mediation teams assist students with an array of conflicts, including fighting, boyfriend-girlfriend arguments, incidents of extortion (notepaper, pencils, and "loans" of personal property), excessive teasing, name-calling, interpersonal exclusion ("You cannot join us."), and events between persons which reflect sexual or racial harassment. Hitting, threatening, shouting, name-calling, and blaming or starting rumors are often surface behaviors, symptomatic of underlying issues. Student teams can often defuse tensions, but cannot resolve the greater underlying issues which are societal in nature.

The Cobb program was born with a suggestion from a parent to the principal, Mr. Edwin A. Bethea, who in turn sought assistance from a teacher, Mrs. Elizabeth Gladden, and from Ms. Sharon Press, Director of the Florida Supreme Court Dispute Resolution Center at the Florida State University Law School. Together,

Mrs. Gladden and Ms. Press developed the current program.

Recruiting Student Mediators. The first year's recruiting produced ten diligent mediators available to work with Cobb Middle School students. The second year the number on the team increased to fifteen. Plans for the 1993-94 academic year set a goal of one dozen mediators. These numbers vary given predictions about the number of disputes to be mediated and the need to build a committed team which is diverse with a true mix of students across academic performance levels, grade levels, and gender.

Students are recruited for the mediation team by using a student-produced video message which goes out to each grade level and class during the common "homeroom" period. The appeal to students is to offer them one way to help others and to serve the school community. Other students are invited to apply with special invitations by their teachers or by students who are currently mediators. Student friendship networks are the most effective means for recruiting applicants. Teacher suggestions help to better insure diversity among the applicants.

The actual application form is simple. Students provide their names and write a brief essay, beginning with the words "I want to participate in the dispute mediation program because.....".

This recruiting establishes the tone for the program affecting how students see themselves in the program as mediators and affecting how students see themselves as disputants accepting the opportunity to have their conflicts mediated with peer assistance.

Selecting Student Mediators. The faculty advisor for the dispute mediation program collects and reviews the applicants. Student grades or class standings are not considered, as long as the student is not in danger of failing. This judgment is made so that accepted students will have the time to devote to training, team building sessions, and dispute resolution cases. These activities take considerable time, and the advisor does not want to contribute to any student's academic failure.

The selection process does employ criteria to first insure a balance across grade levels (6th, 7th, 8th), and then to insure balance with respect to gender, race, and general school demographics.

The faculty advisor interviews candidates. A list of applicants is circulated to teachers and administrators for their comments. The interview and teachers' input focus upon the agreed-upon attributes of an acceptable team member. Mediators will need good verbal skills -- speaking and writing. They need to be good non-judgmental listeners. They will not have to be "great" student leaders but they will need the respect of their peers or be able to earn that respect. Most important, they need

to demonstrate past commitment -- the ability to sustain a commitment (e.g., "stick-to-it-ness"), while being open to new experiences and a person who wants to learn new skills.

Eventually, the faculty advisor selects her team. Students are pleased to be accepted. While their motives for participating are varied, most reflect the idealism and desire to serve noted by one student mediator:

"I got involved with conflict mediation in 7th grade because I wanted to help people with their problems and I wanted to help stop fights in our school. I do conflict mediation because it's fun to help people resolve their problems without violence."

Training the Student Mediators. The process for training student mediators came from the Florida Dispute Resolution Center which trains volunteer mediators in Florida courts. Students receive an initial orientation, followed by twelve hours of specific training. Each skill is practiced in role-playing simulated dispute sessions, with coaching from the trainers and the faculty advisor. Skill by skill, students master the process and develop the dispositions necessary for successful mediation. Later, in their weekly sessions, students will provide feedback on what works in this training and what needs to be improved.

Students must learn how to listen well without taking sides in the dispute. To display empathy and to check their comprehension of each disputant's position and supporting argument, the student mediator learns to restate the disputants' views on key points in the conflict, asking that the disputants' confirm the accuracy or correct the mediator's restatement.

Students learn to assist disputants to articulate their complaints clearly and succinctly, without passion that later blocks successful resolution. Student mediators use "I statements" -- "When John calls me that, I feel....." "On the bus, I feel that I cannot....."

As student disputants describe actions, interests, hurts, and anger, the mediators learn to communicate that all parties to the conflict must accept responsibility for their actions, understanding further that these actions have consequences for themselves and for others. To resolve the disputes in real ways, the disputants must tell the truth about their behavior and recognize its consequences for the other parties to the conflict.

Through this training, student mediators learn that they are not solving the great problems of global life, but focused upon immediate, painful, specific instances of daily conflict. They learn that they cannot solve or manage others' conflicts, but they are to help other resolve or manage their own disputes. Their task is to help the disputants' use a problem-solving model

to lay out alternatives. The mediators are to display care, they are to nurture the disputants' ownership of their problem. They never assign blame, pass judgment, or impose a settlement.

Hardest of all, students must agree to the privacy of disputants' conflicts, statements, and resolutions. Nothing said is to be repeated or "shared" outside the mediation sessions. Any dialogue on the dispute is conducted with both sides present (no one-party consultation sessions). The mediation sessions respect the privacy rights of both sides to the conflict.

Since the main focus is to get disputants talking peacefully about their conflict, the student mediators first learn to use a few fundamental rules.

No Name Calling. Simply state your own case clearly without being accusatory, or nasty. No "put-downs".

Do not interrupt. Simply refrain from butting in with comments or "corrections". Do not finish another person's sentences. Students are asked to write down their thoughts, so that they do not interrupt.

Take time to listen. Make sure you understand what was said by repeating it to yourself silently in your own words.

When the time comes, ask questions to clarify what the other person said. "By X, did you mean...."?

Tell the truth as you understand it, remembering that other persons may have different perspectives. Something which is OK to you may not be OK to someone else.

Maintain eye contact with the other party to your dispute, concentrating on what is being said to you about your conflict, not upon your response.

Concentrate on the Issues, not the personalities....and not upon winning. Focus on the problem. Know what the problem is. Then, try to discover ways to work with other person to resolve this dispute.

The Conflict Mediation Process. Following the principles learned in their training, the student mediators master the following process and then use it in their conflict resolution duties at school.

1) **The Initiation.** The student mediator welcomes the disputants to this session. The rules are explained to both parties to the dispute, and the mediator's role is not to make a decision for them, but to help them (as the disputants) to reach an agreement which they accept. In addition, the mediator tells the parties that he or she will not take sides in their conflict, but is and will remain neutral.

2) **Telling Tales.** The mediator directs the session with each side having an opportunity to tell its side of the dispute. The

mediator listens to each side and enforces the rules, as explained in the initiation. Usually, the side beginning the complaint tells his or her side first; then the other party responds with his or her side.

3) Identifying the Problem. With the initial positions of each party stated, the mediator helps the disputants identify the points in conflict, which is the problem or problems in this dispute. The mediator uses questions and careful restatements to summarize points of agreement on the facts of the dispute and the statement of the problem.

4) Imagining Alternative Solutions. The mediator asks both parties what they would like to see happen to solve their dispute. The mediator notes these suggestions and uses questions to open the imagination of the parties. "What are other possible ways to solve this dispute"? "Could we think about this __ route to a settlement"? "Have you considered doing ____ x ____ to reach an accord"? Slowly the mediator and disputants "brainstorm" a list of alternative courses of action.

5) Narrowing the Possible Solutions List. Through the discussion in Step #4, the mediator (and the disputants) get a sense of what is possible and what is impossible to resolve this dispute. Now the mediator gets the parties to revise earlier suggestions so they might move closer to an agreement. The mediator's main tool is the empathetic restatement of positions and possible solutions -- working in new combinations of possible solutions.

This stage involves the greatest mediator skill work toward a compromise for both parties, overcoming earlier feelings and each disputant's sense of his or her interests at stake in the dispute.

6) Reaching a Settlement. Finally, the successful mediator brings the parties together with a compromise. The settlement is carefully stated, specifying what each party to the dispute is now expected to do as a part of this accord (an action plan). The plan is written down. Both sides sign the settlement plan.

As a part of this settlement, the parties discuss what will (and should) happen, if either side breaks the agreement. At least, the parties should agree to discuss the problem again if this agreement fails.

Program Operation. During the school year, the dispute mediation team meets every Wednesday, from 10:00AM to 10:25AM, to review their case load, to identify and resolve any problems which have arisen in the operation of the program, to sustain commitment of the student mediators, and to assign mediators to cases.

Student mediators work their assigned cases on Mondays and Tuesdays, Thursdays and Fridays, during the brief peer-counseling period ("homeroom") from 10AM to 10:25AM. The only restriction on the assignment of mediators to cases is that of grade level. No student mediators are assigned to disputes involving students of a higher grade level. Thus, 6th grade mediators may only work

cases involving 6th grade disputants and 7th grade mediators may only work 6th and 7th grade disputants' cases.

Conflicts are referred to the student mediators on a special form. The disputants, fellow students, teachers, and administrators may refer a conflict to the mediator team for action. Once a mediator is assigned to a case, the disputing parties are called to an initiation session. At that time, either side in the dispute may decline the offer of student mediation to settle the conflict.

The faculty advisor keeps a record of cases referred to the student mediators and the written record of settlements for each case heard by a mediator.

Emerging Issues in This Program. In any program issues arise and the Cobb Middle School Dispute Mediation Program is no exception. At this time, four main issues need attention.

First, the faculty advisor sees the team of fifteen student mediators as adequate for the size of the school population and the number of disputes referred to the mediation team. There is no need to expand the number of mediators in the foreseeable future. To further the school population's understanding of conflict and its peaceful resolution in the school, the society, and the international community, the faculty advisor thinks that the curriculum should do more. She, therefore, recommends additional use of cooperative learning across the school curriculum.

She would like to see dispute resolution education sent by video into each classroom during the daily peer counseling time (10AM to 10:25AM). Students would better understand conflict, perform skits to reflect upon the corrosive effect of violence, and to role-play dispute resolution situations to learn useful skills. She would like to see more systematic study of conflict and its resolution in the social studies and English classes, as the occasion arises within the extent curriculum.

Second, while teacher and administrative support for the student mediation program is quite positive, the faculty advisor needs additional time. She would like to have one or two faculty colleagues to help manage the paper flow. Failing to get volunteer faculty assistance, a parent volunteer could assist by organizing the referral slips, and then by managing the call of the referees to initial sessions.

Third, while school administrators refer students and recognize the contribution of the mediation program to the school, they cannot or do not provide regular budget. The faculty advisor has to request funds for T-shirts, bus trips, awards, and recognition receptions for new mediators and parents. The Parent-Teacher Organization has been of considerable help.

Finally, the student mediators need greater recognition for their contribution to the school. These students have special skills which are used in the service of others. They are doing

good, building civic skills and attitudes (habits of the heart) which transfer immediately to the greater community outside of school. The faculty advisor thinks that these contributions should be recognized by a special awards program to celebrate not only the successes of the student mediator team but to build expectations among other students, especially younger students who might become involved, and for all students to learn more about conflict and its peaceful resolution.

Parent involvement in this celebration would open the way for the school system to offer evening "Adult Education" courses for parents on understanding conflict, training in listening skills, and conflict resolution training for the family setting. The faculty advisor and others would like to see a well-institutionalized student dispute resolution program which could also turn its attention to export. Exporting the program to elementary schools in the school district, and perhaps to other middle schools.

Conclusion. Teacher and administrator testimony supports conclusions about the positive impact upon student mediators' self-confidence and esteem, their development of more altruistic dispositions, and their conception of the school as a broader community of persons and interests. They master listening skills, questioning abilities, and problem-solving orientation which carry over into their personal and family lives.

Teacher and administrator testimony also support conclusions

about the impact of the student mediator program upon the school community. While small and no perfect nostrum, this program has given students another option in taking responsibility -- as mediators or as disputants, or even as students who refer others in conflict to the program. As a result, the school community is a little more "we", rather than "I and Others".

For the greater society, we can only benefit the more students mature seeing conflict is as natural, seeing positive ways to resolve conflicts, and having personal experience in the reduction of violence and other socially dysfunctional ways to handle disputes. The more we learn together to resolve disputes positively, the more our personal and cultural momentum will be directed toward peaceful, socially-positive norms.

I think the program is helpful for students because it teaches them that fighting is wrong and there is an answer to their conflicts. From this experience I have learned that people are willing to give up violence and are willing to work out their problems peacefully. Every school should have this program because it has definitely decreased the number of fights at my school.

- Ms. Kristy Smith
Student Mediator

Mediation employs the skills of a neutral and impartial third party, called a mediator, who assists the individuals in making their own decisions by providing necessary information, clarifying issues, helping explore alternative solutions, and suggesting possible compromises. The mediator DOES NOT make any decisions for the parties but helps with the parties' own decision-making processes.

- The Florida Bar

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